REMARKS

Applicant thanks Examiner for the detailed review of the application.

Claim Rejections -35 USC § 102(b)

The Office Action has rejected Claims 1, 6, 11, and 37-47, under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 6,553,031 to Nakamura et al. (referred to hereinafter as "Nakamura"). However, the Office Action has failed to make a prima facie case of anticipation for the claims, and such, the applicant respectfully submits that the rejections should be withdrawn.

"[F]or anticipation under 35 U.S.C. 102, the reference must teach *every aspect* of the claimed invention ..." MPEP 706.02 (emphasis added). "The identical invention must be shown *in as complete detail as contained in the ... claim.*" *Richardson v., Suzuki Motor Co.*, 868 F. 2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Applicant's claim 1 includes, "a format field to indicate whether the transaction packet includes a data payload and to specify a size of the packet header." Note that the format field is to **both** indicate whether the packet includes a data payload **and** to specific a size of the header. Nakamura only discloses an IHL field to include an IP header length, and does not suggest that IHL field is also capable of indicating whether a data payload is included in the transaction packet. Nakamura states that variable length packet **60** comprises a header and IP data 62. As can be seen, Nakamura does not disclose a capability of not including a data payload, and furthermore, Nakamura does not disclose any field in the packet header to indicate "whether the transaction packet includes a data payload," as in applicant's claim 1.

Similarly, applicant's claim 39 includes, "a first field to indicate a size of the packet header and to indicate whether the packet is to include a data payload." As noted above, Nakamura does not teach or suggest usage of any single field to indicate both a size of a packet header and whether

a data payload is included or not.

Applicant's claim 6 includes, "an additional field to hold **message code information** in response to the type field holding the message value and to **hold byte enable information** in response to the type field holding the other value." Nakamura does not disclose any field in the header that holds alternate information based on a transaction type. Specifically, Nakamura does not disclose a field to hold message code information in response to a message transaction type and to hold byte enable information in response to a non-message request type, as in applicant's claim 6. Furthermore, in regards to dependent claim 10, Nakumara does not disclose the field is capable of holding a third alternate type of data, i.e. completion status information, in response to a completion transaction type.

Applicant's claim 11 includes, "an extension field to be disposed between the type field and the length field capable of extending the type field or the length field in response to the transaction type." Nakamura does not disclose anywhere or suggest use of an extension field to extend a length or type field based on a transaction type, as in applicant's claim 11.

Therefore, applicant respectfully submits that independent claims 1, 6, 11, and 39, as well as their dependent claims, are now in condition for allowance for at least the reasons stated above.

If there are any additional charges, please charge Deposit Account No. 50-0221. If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact David P. McAbee at (503) 712-4988.

                                              Respectfully submitted,
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Dated: May 15, 2008   /David P. McAbee/Reg. No. 58,104
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